IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2674 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

SOMABHAI LIMBABHAI SOLANKI & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
MR SV RAJU for Petitioner(s) : 1 - 2.
MR L B DABHI, Ld.APP for Respondent(s) : 1 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 09/01/2006

ORAL JUDGMENT

1. The petitioners have filed this petition under Article 226 of the Constitution of India challenging their suspension orders passed by the respondents on 23.04.1987 so far as petitioner no.1 is concerned and 29.04.1987 so far as petitioner no.2 is concerned.

2. It is the case of the petitioners that the petitioner no.1 was working as Senior Clerk in the office of Police Commissioner, whereas the petitioner no.2 was working as Junior Clerk in the office of the Police Commissioner. The petitioner no.1 has been suspended by Director General of Police vide his order dated 23.04.1987. Similarly, the petitioner no.2 was suspended by Police Commissioner vide his order dated 29.04.1987. The suspension orders were passed on the basis that the petitioner were alleged to have been involved in an offence registered vide C.R.No.42 of 1987 under Sections 66(1) (b) and 85 (1) (3) of the Bombay Prohibition Act and also under Section 110 and 117

of the Bombay Police Act.

3. It is also the case of the petitioners that even if it is assumed that the allegations in the F.I.R. were correct, the same did not form valid basis for the suspension of the petitioners.

4. It is the further case of the petitioners that Government has laid down the guidelines for the purpose of passing suspension orders against the employees. The petitioners' case did not come within the aforesaid guidelines and, therefore, the impugned orders of suspension are arbitrary and violative of Government guidelines issued in this regard.

5. It is also the case of the petitioner that before passing the suspension orders, the petitioners were not heard and hence, the orders were violative of principles of natural justice.

6. It is also contended that the offence alleged did not involve the petitioners and therefore,

petitioners should not have been suspended.

7. This court has admitted the petition on 24.11.1987. However, no interim relief was granted. The suspension orders are of 1987. By this time, an inquiry must have been over and necessary steps might have been taken. Furthermore, after more than 18 years, it is not just and proper for this court to interfere in the suspension orders passed by the respondent authorities.

8. In view of the above, this court does not see any justification in interfering with the orders of suspension. The petition is therefore, dismissed. Rule is discharged with no order as to costs.

(K.A.PUJ, J.)

amit